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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/292,839 04/14/99 DILORENZO

M ITMEN.50639

EXAMINER

PM82/1207

CRAWFORD, G.

ART UNIT	PAPER NUMBER
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DATE MAILED:

12/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/292,839

Applicant(s)
DiLorenzo

Examiner
Gene Crawford

Group Art Unit
3651



☒ Responsive to communication(s) filed on Oct 23, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 and 11-29 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 28 and 29 is/are allowed.

☒ Claim(s) 1-9, 11-16, 18-22, and 24-27 is/are rejected.

☒ Claim(s) 17 and 23 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-9, 11, 15, 19-21 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Freeny, Jr.

The method of providing media to a plurality of in-room systems from a head end system disclosed by Brown includes the steps of storing a plurality of acquisition of media at each in-room system (Abstract); storing a plurality of access-only media at the in-room system wherein the access only media is identical to the stored acquisition media (column 2, lines 6-11); providing access to each of the access only media as broadly claimed; and recording and tracking 76 the acquisition of any media at the head end system (column 6, line 48 through column 7, line 28). Brown includes all the claimed features but does not disclose the plurality of access-only media at a remote location such as a head end system. However, the provision of a collection of media housed at a remote location available for viewing upon request at a point of sale location is notoriously well known in the art. Furthermore, Freeny, Jr. discloses the broad teaching of providing a head end system with a plurality of access only media deliverable to a point of sale location upon request (column 3, line 63 through column 4, line 7). It would have been obvious to one of ordinary skill in the art to provide the sample media be housed at the remote computer

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to facilitate a centrally located system capable of servicing many units instead of providing a sampling system for each unit as taught by Freeny, Jr.

With regard to claim 27, Brown includes all the claimed features but does not disclose storing a plurality of access only media at a remote master site. However, this appears to be an obvious design choice and expedient because it simply amounts to a duplication of parts.

3. Claims 1, 12-14, 16, 18, 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Freeny, Jr. as applied to claims 1 and 21, and further in view of Durbin.

With regard to claims 12-14, 16, 18, 22, and 24, Brown in view of Freeny, Jr. discloses a method of recording the access of acquisition media from a in-room/point of sale system but does not disclose the method of storing a signal with a room identifier and a media acquisition identifier or a price table. However, Durbin discloses the broad teaching of providing the broad teaching of providing a hotel vending system having a master control unit 10 with a method of storing a signal encoded with a room identifier (column 4, lines 13-30) and a item acquisition identifier (column 3, lines 55-68) and storing a price table for charging an associated price with the item (column 7, lines 55-66). It would have been obvious to one of ordinary skill in the art to provide the system of Martin et al. include a method of storing a signal with a location identifier and a price table for charging an associated price to allow the central control unit to track the location of a purchase as well as the particular vending unit as taught by Durbin.

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Allowable Subject Matter

4. Claims 28 and 29 are allowed.
5. Claims 17 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since claims 28 and 29 encompass the limitations of 17 and 23 and their intervening claims, claims 17 and 23 should be cancelled.
6. The following is a statement of reasons for the indication of allowable subject matter: A method where 'upon sensing the access of one of the access-only media, activating a free-sample timer; monitoring the in-room system for continued access to the accessed media; and if the accessed media is accessed throughout the free-sample time allotted, proceeding with the storing, transmitting, and processing steps' in combination with the rest of the claim language was not made obvious over the prior art.

Response to Arguments

7. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene Crawford whose telephone number is (703) 305-9733. The examiner can normally be reached Monday thru Thursday.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor Christopher Ellis can be reached at (703) 308-1113. The fax numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

GC *gc* 12/6/00
December 6, 2000

CP Ellis 12/6/00

CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600